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roundings in which it has progressed, and to bring it to fruition with such positive advantage to the contending parties.

And why, we ask, should not this example be the beginning on this continent of that dreamed-of golden age of international justice, an ideal which so many famous statesmen have pursued during these last few years?

AN IDEA FROM AUSTRALIA

The ADVOCATE is in receipt of an interesting communication from Miss Eleanor M. Moore, secretary of the Victorian Council of the Australian Peace Alliance, which comprises a group of peace, labor, religious, and political organizations in the far-away new commonwealth. With the courage and faith of a pioneer people, the Australians propose to reach a warless world by the route of complete disarmament of the nations, and they propose to reach complete disarmament by a world-wide system of referenda, believing the people of the civilized nations will give a demonstration of hatred of war that the statesmen of the world must heed.

The letter to the ADVOCATE, one of more than 1,000 sent to all parts of the world, follows:

In this letter we bring forward for your consideration a suggestion concerning this most vital matter and all that it involves for the welfare of mankind.

It is obvious that the peoples of the world pay the price of armaments and war in many ways, and that the price is a heavy one, even in time of "peace," when the next war is in preparation. We therefore suggest that the peoples should have an opportunity to state definitely whether they wish to retain this ancient system, and that the question should be put to them apart from any other political issue.

Let simultaneous referenda be held, after negotiations by international conference or otherwise, putting before the men and women of each State this or a similarly worded question:

Are you willing that this (republic, kingdom, duchy, dominion, commonwealth, federation, or as the case may be) of — should disarm completely, on condition that the other States specified below do the same?

Here would follow the names of the other States, with a memorandum to the effect that each of them was putting the same question before its people at the same time.

In the event of a universal reply in the affirmative, governments could at once abolish all preparations for war. Should there be any negative answers, friendly persuasion could be brought to bear on the peoples so voting, with the object of inducing them to fall into line with the rest of the world.

Certain objections must be considered:

The Cost of Such Referenda.—If each State paid for its own referendum, the cost would be fairly distributed, while, if the result were complete disarmament, the cost would very quickly be saved.

Peoples Undeveloped Politically and Turbulent Border Tribes.—If a people were not sufficiently developed to understand a referendum, they would not be likely to be a serious menace; it might be necessary for a time to have some kind of local police, under international control, to keep order.

We believe that the suggestion made in this letter is sound in principle and should be adopted at the earliest possible moment, in the hope of thus ending the awful scourge of the war system by a decisive act on the part of the peoples of the world. It may be impossible for a time, but, if it be eventually adopted, much preliminary thought and discussion will be necessary and cannot begin too soon. We therefore bring it under your notice now, and if your consideration be favorable we would ask your advocacy of such referenda.

THE HUGHES-HOLT CORRESPONDENCE CLEARS THE AIR

The letters of Mr. Hamilton Holt, president of the Woodrow Wilson Democracy, to Secretary Hughes regarding the Permanent Court of International Justice and the relations of the United States to the League of Nations, and the Secretary's replies are much more important than the rather scant attention they received in the daily press would indicate.

Careful reading of Mr. Hughes' two letters will yield a very clear picture of the mind of the Administration when it decided to negotiate the Treaty of Berlin instead of resubmitting the Treaty of Versailles, as President Harding at first evidently wished to do. It also will yield a picture of what is in the Administration's mind as to the problem of American participation in the work of the Permanent Court, and as to the need for recognition of the Senate's power and purposes.

Lack of space will not permit printing the complete correspondence. Moreover, the correspondence is not important because of its controversial features, but because of the revelation, in Mr. Hughes' clear and lucid style, of what is in the Administration mind. Therefore only the letters of Mr. Hughes are given below. The general tenor of Mr. Holt's letters will appear, of course, from Mr. Hughes' replies.

The first Hughes letter, dated July 13 and replying to Mr. Holt's letter of July 7, follows:

MY DEAR MR. HOLT:

I have received your letter of July 7th.

You are good enough to refer to my speech at the Union League Club of New York in March, 1919, reviewing the preliminary draft of the Covenant of the League of Nations. The question as to the extent to which my suggestions were met was quite fully discussed in the campaign of 1920, and I then stated my views, as to the deficiencies of the revised draft, in public speeches which were fully reported. I see no useful purpose in going over that matter at this time, and I may simply point out that I did not regard any of my suggestions as adequately met in the revision of the Covenant save the first, as to the requirement of unanimity in decision.

As to the other matters you bring up, permit me to say:

In connection with Colonel Harvey's statement as to the commissions or committees appointed by the League, permit me to call your attention to the action of the Senate in assenting to the Treaty with Germany, providing that the United States "shall not be represented or participate in any body, agency, or commission," unless Congress "shall provide for such representation or participation."

COMMUNICATION FROM THE LEAGUE

There has been much fruitless talk about answering communications from the League. It may be pointed out that a large number of these are of a purely formal nature, for the purpose of giving information. I have endeavored to deal with all communications courteously and appropriately, and reports to the contrary are evidently based on inadequate information. Of course, whatever your wishes may be, the fact is that the United States is not a member of the League and I have no authority to act as if it were.

We have had appropriate representation at health conferences. I am advised of the work of the International Office of Public Health in Paris, and I do not believe that the interests of international health have been injured by the fact that that office has remained intact.

COURSE OF THE AMERICAN HAGUE JUDGES

You are in error in your statement that I have prevented "the American Hague judges from sending in nominations for the Permanent Court of International Justice of the League." The American Hague judges acted in accordance with their own views of propriety. So far as the court itself is concerned, I have too long advocated the judicial settlement of justiciable controversies between nations to make it necessary for me to discuss my general attitude. I may point out, however, that under the present constitution of the International Court, this government has no voice in the election of the judges of the court, as the judges are elected by the Council and Assembly of the League of Nations. I see no prospect for any treaty or convention by which we should share in the maintenance of the court until some provision is made by which, without membership in the League, this government would be able to have an appropriate voice in the election of judges.

WORK OF THE RECENT CONFERENCE

I do not agree with your comment that the results of the recent Conference on Limitation of Armament could have been accomplished or the work "have been done better and long ago" had the United States been a member of the League. I do not care to discuss matters which are obviously subjects of conjecture, but my own view is that the important results of the conference were made possible because it was a limited conference, held in Washington, by the nations immediately concerned, and was not associated with other enterprises.

I may add that I regret that you should permit yourself, in your zeal for the cause you have espoused, to say that I had abandoned our late allies in making a separate peace with Germany. Such observations will do your cause no good. The separate Treaty with Germany was concluded for the sufficient reason that it became perfectly clear, after the most careful consideration, that the resubmission of the Treaty of Versailles with suggested reservations would have no other result than the renewal of the former controversy and its continuance for an indefinite time. It was in the interest of the allies, as well as of ourselves, and it was essential to the cause of peace, that we should dispose of the matter by a separate treaty, and this was accomplished in a manner confirming our own rights and not derogating from those of the allies. It is necessary, when we deal with concrete situations, to understand what courses are practicable.

I must decline to comply with your request for a discussion of governmental policies in this correspondence, as these will be the subject of official announcements from time to time, as may be found to be advisable. The Administration has been endeavoring and will continue to endeavor to promote the cause of peace in every practicable way, and I think there has been a degree of success in this effort which is even greater than could reasonably have been anticipated eighteen months ago.

I remain, very sincerely yours,

(Signed)

CHARLES E. HUGHES.

Secretary Hughes' second letter, replying to one from Mr. Holt dated July 18, was sent on July 19, as follows:

MY DEAR MR. HOLT:

Your letter of July 18th has been received.

Having made my statement in my answer, under date of July 13th, to your previous letter, I see no reason why I should repeat it. You will find in that letter my reply to your observations on the various matters you had brought up, and I must decline to follow you in further discussion.

I may say that, so far as nominations for the International Court are concerned, I was not responsible for the delay to which you refer, and I so informed the American judges at the time of transmitting the invitations to them. This delay did not preclude the nominations being made. The point was that the American judges had been appointed under The Hague Convention of 1907, and they were asked to

take action under another treaty, to which the United States was not a party. In these circumstances the American judges acted, as I understand it, in accordance with their own views of propriety.

"MANIFESTO OF THE THIRTY-ONE"

There is one point which you say I have ignored, and that is your reference to what you call the "manifesto of the thirty-one" in October, 1920. I had supposed that I had dealt with that when I told you in my recent letter that the separate Treaty with Germany was negotiated for the sufficient reason that it became perfectly clear, after the most careful consideration, that the resubmission of the Treaty of Versailles with suggested reservations would have no other result than the renewal of the former controversy and its continuance for an indefinite time. In short, the separate treaty was the only practicable way of dealing with the question.

The statement of the thirty-one, of course, expressed sincerely the point of view I entertained in common with the others at the time the statement was signed, but the Administration was compelled to deal with the situation as it found it on coming into power.

QUESTION OF ENTERING THE LEAGUE

In your observations you seem to imply that I have been invested with some authority to make this government a member of the League of Nations upon such reservations as I might propose. If you have any such notion I must ask you to disabuse your mind of it. Entrance into the League of Nations on any conditions could be accomplished only by treaty, and treaties cannot be made except in the constitutional manner. It is idle to propose what it is found cannot be effected. That is not the way to make progress, internationally or otherwise. What I said with respect to the Treaty with Germany is applicable.

Really, I cannot see any reason why you should address me in the manner you have chosen, in view of the fact that the attitude of the Administration upon this subject was frankly and definitively stated in President Harding's message to Congress in April, 1921. The President then said:

WHAT THE PRESIDENT SAID

"In the existing League of Nations, world-governing with its superpowers, this Republic will have no part. There can be no misinterpretation, and there will be no betrayal of the deliberate expression of the American people in the recent election; and, settled in our decision for ourselves, it is only fair to say to the world in general, and to our associates in war in particular, that the League Covenant can have no sanction by us.

"The aim to associate nations to prevent war, preserve peace, and promote civilization our people most cordially applauded. We yearned for this new instrument of justice, but we can have no part in a committal to an agency of force in unknown contingencies; we can recognize no super-authority.

"Manifestly, the highest purpose of the League of Nations was defeated in linking it with the treaty of peace and making it the enforcing agency of the victors of the war. International association for permanent peace must be conceived solely as an instrumentality of justice, unassociated with the passions of yesterday, and not so constituted as to attempt the dual functions of a political instrument instrument of the conquerors and of an agency of peace. There can be no prosperity for the fundamental purposes sought to be achieved by any such association, so long as it is an organ of any particular treaty, or committed to the attainment of the special aims of any nation or group of nations.

"The American aspiration—indeed, the world aspiration—was an association of nations, based upon the application of justice and right, binding us in conference and co-operation for the prevention of war and pointing the way to a higher civilization and international fraternity in which all the world might share. In rejecting the League Covenant and uttering that rejection to our own people and to the world, we make no surrender of our hope and aim for an

association to promote peace, in which we would most heartily join. We wish it to be conceived in peace and dedicated to peace, and will relinquish no effort to bring the nations of the world into such fellowship, not in the surrender of national sovereignty, but rejoicing in a nobler exercise of it in the advancement of human activities, amid the compensations of peaceful achievement."

As I said in my former letter, the Administration has been endeavoring in every practicable way to promote the cause of peace and has been measurably successful in this great work.

As I have already advised you, I cannot undertake to discuss in this correspondence the future action of this government, which will be announced in official statements from time to time, and I must ask you to consider this correspondence closed.

Very sincerely yours,
(Signed)

CHARLES E. HUGHES.

GERMAN PROPERTY AND THE UNDERWOOD BILL

When this issue of the *ADVOCATE* is in the hands of its readers conflict will probably be under way, in a subcommittee of the Senate Judiciary Committee, over the bill introduced by Senator Underwood to create an American commission to pass on the claims of American citizens and claims of the American Government against the former German and Austro-Hungarian governments or their authorities with the view of satisfying those claims out of the properties held by the Alien Property Custodian. That, despite the fact that on August 10 Secretary Hughes announced that agreement had been reached with Germany for a mixed commission. The State Department is emphatically opposed to the measure, regarding it as simply an instrument of confiscation. Hearings are scheduled to be held shortly before a subcommittee headed by Senator Cummins, in which the State Department's representatives will present their views.

DRASTIC FEATURES

The drastic nature of the bill will appear when it is understood that, in addition to the claims of the citizens of the United States, the provision for claims by the Government of the United States embraces "all its pensions or compensation in the nature of pensions to its naval and military victims of war (including members of its air force), whether mutilated, wounded, sick or invalided, and to the dependents of such victims"; also "the cost of assistance" by the Government of the United States "to prisoners of war and to their families and dependents"; and also "allowances" by the Government of the United States "to the families and dependents of mobilized persons or persons serving with its forces." Provision is made for the satisfaction of these claims out of the property held by the Alien Property Custodian, in accordance with a stated order of priority, the government coming last.

Senator Underwood, who points out that the commission to be created under his bill would be appointed by President Harding, subject to confirmation by the Senate, argues that it is time that something be done to reimburse American citizens for their just claims against the German government. Further, he argues that, at the rate claims have been allowed against the funds in the hands of the Alien Property Custodian, it is doubtful that there will be enough left to secure American claims unless action is taken swiftly. He

also makes the point that there has been much discussion of returning German property to its owners, but little effective work to protect American interests—even the claims of the relatives of persons "who were murdered in the sinking of the *Lusitania*" having not been settled.

OPPOSITION IN SENATE AND STATE DEPARTMENT

Immediate opposition was manifested in the Senate to Mr. Underwood's plan from both sides of the chamber, Senator Borah, Republican, and Senator Walsh, Democrat, of Montana, opposing the principle of confiscation, and Senator King, Democrat, saying the Underwood measure is "immoral and violative of the fundamental principles of the American government." And the State Department went into action about 10 days later, when, on July 29, Secretary Hughes addressed a letter to Senator Knute Nelson, chairman of the Judiciary Committee, to which the bill had been referred, in which he said:

It is hardly necessary for me to say that I am most anxious that a settlement of the claims of American citizens should be promptly effected. You undoubtedly appreciate that in addition to the difficulties which, as a result of political and economic conditions, have confronted the nations with which the United States was associated in the war in effecting settlement of claims against former enemy countries, the Government of the United States was obliged to deal with conditions incident to the conclusion of treaties with Germany, Austria, and Hungary to re-establish friendly relations with those nations.

NEGOTIATIONS WITH GERMANY

Following the conclusion of such treaties, negotiations were entered into with Germany looking to the adjustment of the claims of our citizens pursuant to the rights of the United States recognized under the treaty concluded August 25, 1921, with that country. It is contemplated that a mixed commission on which Germany will have representation will be established to determine the amounts of these claims in accordance with the procedure usually governing matters of this kind.

I am glad to say that, despite the recent difficulties in Germany, which apparently have delayed the completion of the arrangement, gratifying progress has been made and I believe that a satisfactory convention will shortly be signed. The negotiations with the German Government indicate a desire on its part to move as expeditiously as possible with a view to the consummation of the plans under consideration. It is manifest that legislation such as that contemplated by the bill in question would be embarrassing to the Executive in dealing with the matter of these claims, since the enactment of the bill into law would make it necessary to abandon present plans.

PRACTICE OF MIXED COMMISSIONS

Apart from this effect of the passage of the bill, I may say that it seems to me entirely appropriate that the usual practice should be followed in the determination of international claims, and that Germany should have appropriate representation upon a mixed claims commission by which the amount of these claims shall be assessed. The bill seems to deal with the settlement of claims as if it were purely a domestic affair. But the claims are those of American citizens against Germany, Austria, and Hungary, and it has hitherto been contemplated, as the joint resolution of Congress approved July 2, 1921, makes clear, that these governments shall make suitable provision for the satisfaction of these claims.

But if these governments are to make such provision, I should regard it as proper that they should have the opportunity of being represented on the claims commission by which the amount of the claims is to be fixed. I do not see that any different principle should be applied because we hold the private property of former enemies in pledge; but